



Church Property (Miscellaneous Provisions) Measure 1960

1960 No. 1 8 and 9 Eliz 2

PART III

ADDITIONAL POWERS RELATING TO CHURCH LAND

- 7 Powers of dealing with land granted under the Gifts for Churches Act 1803, the Gifts for Churches Act 1811 or the Consecration of Churchyards Act 1867.**
- (1) Subject to the provisions of this section, it shall be lawful for the person in whom any land granted under the ^{M1}Gifts for Churches Act 1803, the ^{M2}Gifts for Churches Act 1811 or the ^{M3}Consecration of Churchyards Act 1867 is vested to exercise thereover any of the powers exercisable by virtue of paragraphs (a), (b), (c) or (d) of subsection (1) of section seventeen of the ^{M4}New Parishes Measure 1943 over land acquired by the Commissioners or the Church Building Commissioners:
Provided that the said powers shall not be exercisable without the consent of the bishop, and the bishop shall not give his consent unless he is satisfied that the land, or the part of the land concerned, [^{F1} is no longer required for the purpose for which it was granted].
- (2) Where any land has been held by virtue of a grant by way of gift under the said Acts for less than twenty years, the person in whom the land is vested shall, before exercising any of the powers conferred on him by the last foregoing subsection offer to reconvey it to the grantor without consideration:
Provided that if the grantor refuses the offer or does not accept it within six weeks after it is made, or if a statutory declaration is made by the bishop that the grantor cannot be found, the land may be disposed of in accordance with the provisions of this section.
- (3) Where any land is sold under this section the proceeds of the sale shall be [^{F2}paid to the parsonages board or (if designated as such under section 1(1) of the Repair of Benefice Buildings Measure 1972) the diocesan board of finance (hereinafter in this Measure referred to as “the board”) of the diocese concerned and shall be applied by it] to such purposes, being purposes for the benefit of the benefice of the ecclesiastical

Status: Point in time view as at 01/09/2018. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Church Property (Miscellaneous Provisions) Measure 1960, Section 7. (See end of Document for details)

district in which the land is situate or charitable purposes relating to that district, as may be agreed [^{F3}between the board]and the bishop after consultation with the person by whom the land was sold.

- (4) Land granted under the ^{M5}Consecration of Churchyards Act 1867 may be sold under this section notwithstanding the reservation by the grantor of a right of burial under section nine of that Act.
- (5) Nothing in this section shall authorise the sale or disposal of any consecrated land or affect the jurisdiction of the Consistory Court.
- [^{F4}(6) During a vacancy in a benefice any powers under this section which, but for the vacancy, would have been exercisable by the incumbent shall be exercisable by the bishop.]
- [^{F5}(7) A reference in this section to the Consecration of Churchyards Act 1867 or to a provision of that Act includes a reference to sections 89 to 91 of the Ecclesiastical Jurisdiction and Care of Churches Measure 2018.]

Textual Amendments

- F1** Words in s. 7(1) substituted (1.10.2006) by [Church of England \(Miscellaneous Provisions\) Measure 2006 \(No. 1\), ss. 5, 16\(2\)](#); [2006 No. 2](#), Instrument made by Archbishops
- F2** Words in s. 7(3) substituted (1.1.2001) by [2000 Measure No. 1, s. 5, Sch. 3 para. 2](#); Instrument dated (14.12.2000) made by the Archbishops of Canterbury and York
- F3** Words in s. 7(3) substituted (1.1.2001) by [2000 Measure No. 1, s. 5, Sch. 3 para. 2](#); Instrument dated 14.12.2000 made by the Archbishops of Canterbury and York
- F4** S. 7(6) added by [Church of England \(Legal Aid and Miscellaneous Provisions\) Measure 1988 \(No. 1, SIF 21:1\), s. 9](#)
- F5** S. 7(7) inserted (1.9.2018) by [Ecclesiastical Jurisdiction and Care of Churches Measure 2018 \(No. 3\), s. 99\(2\), Sch. 3 para. 3](#) (with Sch. 4 Pt. 1); S.I. 2018/720, art. 2

Marginal Citations

- M1** 1803 c. 108.
- M2** 1811 c. 115.
- M3** 1867 c. 133.
- M4** 1943 No. 1.
- M5** 1867 c. 133.

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Changes to legislation:

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